

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

JACQUELINE M. GAY,

Plaintiff,

V.

DELL FINANCIAL SERVICES,

Defendant.

CASE NO. CV 05-B-0598-W

DISMISSAL ORDER

Plaintiff has filed a Notice of Dismissal. Defendant has not filed an Answer or a Motion for Summary Judgment. Therefore, pursuant to Fed. R. Civ. P. 41(a)(1)(i),¹ all claims against defendant are **DISMISSED WITH PREJUDICE** and **WITHOUT PREJUDICE** as to any purported class.

¹Rule 41(a)(1) states:

[A]n action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

Fed. R. Civ. P. 41(a)(1). Defendant has not filed an Answer or a Motion for Summary Judgment.

DONE this 19th day of April, 2005.

Sharon Lovelace Blackburn

SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE